

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JODY-ANN CAMPBELL,

Plaintiff,

-against-

COLUMBIA UNIVERSITY, et al.,

Defendants.

22-CV-10164 (VSB)

ORDER OF SERVICE

VERNON S. BRODERICK, United States District Judge:

Plaintiff, who is appearing *pro se*, brings this action invoking the Court’s diversity jurisdiction and asserting state-law claims arising out Columbia University’s denial of her applications for a fellowship and grants to attend Columbia University’s School of Professional Studies. By order dated January 5, 2023, the Court granted Plaintiff’s request to proceed *in forma pauperis* (IFP), that is, without prepayment of fees.

DISCUSSION

A. Motion to drop Defendants Crawford and Stapleton-Truglia from this action

Plaintiff filed this action naming as Defendants Columbia University and individual defendants Zelon Crawford and Trudy Stapleton-Truglia. However, on December 28, 2022, she submitted a “notice of motion” to the Court requesting the dismissal of Crawford and Stapleton-Truglia from this action. (ECF 12.) The Court grants Plaintiff’s request. The Clerk of Court is directed to terminate as parties to this action Crawford and Stapleton-Truglia. Columbia University remains a defendant in this action.

B. Service on Columbia University

Because Plaintiff has been granted permission to proceed IFP, she is entitled to rely on the Court and the U.S. Marshals Service to effect service.¹ *Walker v. Schult*, 717 F.3d 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendant Columbia University through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form (“USM-285 form”) for this defendant. The Clerk of Court is further instructed to issue a summons and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendant.

If the complaint is not served within 90 days after the date the summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if her address changes, and the Court may dismiss the action if Plaintiff fails to do so.

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have served the summons and the complaint until the Court reviewed the complaint and ordered that the summons be issued. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

CONCLUSION

The Court grants Plaintiff's request (ECF 12) to dismiss Defendants Zelon Crawford and Trudy Stapleton-Truglia from this action. The Clerk of Court is directed to terminate as parties to this action Crawford and Stapleton-Truglia.


The Clerk of Court is further instructed to issue a summons for Defendant Columbia University, complete a USM-285 form with the address for this defendant, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is also directed to mail an information package to Plaintiff.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: 1/9/2023
New York, New York



VERNON S. BRODERICK
United States District Judge

DEFENDANT AND SERVICE ADDRESS

Columbia University
412 Low Memorial Library
535 West 116th Street
New York, NY 10027